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OFFICE OF GENERAL
COUNSEL

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street NW
Washington, DC 20463

RE: NIUR 6292 -- your letter of May 20

Dear Mr. Jordan:

Thank you for bringing the false allegation by Richard M. Cape to my attention. As a former diplomat in the State Department, I take any such defamatory allegations of illegal conduct seriously, and reserve the right to retain legal counsel should any further action be required to clear up his distortion of facts.

Mr. Cape recently resigned from the Joe Walsh campaign, after which he made allegations against Joe Walsh and others to local news media and party officials. I never worked for the Walsh campaign, and had little contact with him, so I do not know why Mr. Cape resigned. I only know that he vented his anger very unprofessionally in the news media in an obvious attempt to harm the campaign, and he also broadcast emails critical of Joe Walsh to many supporters who were on the campaign's mailing list. I'm surprised that he is now trying to turn his grievance into an FEC complaint and smear me in the process.

The pertinent allegation against me is in his second paragraph, as he sought some excuse for criticism of Bryan Javor's work. I had used Bryan's independent marketing services a few times in March, April, and early May for local auto calls to help grow the membership of a new local group of independent voters. Our group does not endorse any candidates or party, or perform fundraising or spending on their behalf.

As I understand it, the campaign subsequently hired Bryan Javor in May to perform some of the duties previously performed by Mr. Cape. I had absolutely no involvement in Bryan's recruitment by the Walsh campaign, which I assume is one of the motives behind Mr. Cape's false complaint against him.

The campaign knew Bryan before I met him in March, and I did not use his services at their direction or on their behalf. The campaign had no control over any of the calls I did with Bryan, which served to invite people to our free, open meetings. The calls were not to promote the Walsh campaign, although some calls mentioned that Joe Walsh was among our invited guest speakers who would be available to answer any questions by attendees. These calls just served to promote attendance at our meetings.

These meetings were not fundraisers for the Walsh campaign. There were other speakers, and he typically spoke only briefly to introduce himself during two hour meetings at which many other topics were discussed. We were encouraging local voters to become better informed about current federal, state, and local issues. The calls were not for "get out the vote" purposes or "to increase Joe Walsh's name ID" as Richard Cape has alleged. The February 2 primary election preceded these calls. After his surprise primary victory, voters were very interested in meeting Joe Walsh. His availability as a guest speaker helped to promote interest in our meetings as a new, independent voter group. Voters had many questions which they wanted to ask Joe Walsh directly.

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Finally, please keep in mind that the total number and cost of these auto calls was quite limited. Frankly, I used Bryan Javor's marketing services to perform these auto calls because it was one of the cheapest options available for the rapid promotion of our new group. The Walsh campaign had no control over who I chose to call, or what I said in my messages, or what was on our meeting agenda.

At the time when I retained his services in March, Bryan was not doing any work on behalf of the Walsh campaign, nor did either of us have any reason to expect that Richard Cape would resign and that Bryan Javor would subsequently be asked to join the campaign staff. Although I can understand why Richard Cape may be angry at Bryan Javor about this turn of events, his complaint against us is without merit.

Even if the cost of all such calls were somehow deemed to be an in-kind contribution to the Walsh campaign as Richard Cape alleges, the amount involved would be well within my personal contribution limits since I have made no cash or in-kind donations to his general election campaign. There was no fundraising associated with any of these calls (either to solicit donations for our group or the Walsh campaign). The auto calls were just informative public meeting invitations.

It would therefore only be a question of whether or not some portion of my personal spending to promote our new group should be attributed and reported by the Walsh campaign as a deemed in-kind contribution by me just because Joe Walsh agreed to be a guest speaker at a few of our public meetings.

In my view, none of this personal spending to promote our group should be attributed as a donation to the Walsh campaign. The calls were entirely at my own direction and expense. The Walsh campaign just confirmed that Joe Walsh was available to be a guest speaker.

Richard Cape did provide some of the phone data to Bryan Javor from which I selected who to call according to my own criteria for the targeted marketing of our group, regardless of who the campaign might choose to target for their own purposes. That's why Richard was vaguely aware of the existence of such marketing auto calls by our group. The campaign just provided some available phone data, from which I made my own selections privately, so that I didn't have to buy such data at additional expense. Bryan had no involvement in the selection of call recipients. He just processed the auto calls for me.

In conclusion, I'm sorry that Richard Cape has tried to drag me into his supposed dispute with the Joe Walsh campaign, but there is no merit to his allegations against Bryan or myself. Even if the calls were somehow deemed to require reporting as an in-kind contribution, the amount involved would be well within my personal donation limits. There was no violation of the Act, nor any intent to do so.

There was absolutely no intent by either myself or the Walsh campaign to conceal or fail to disclose anything in this regard, so Richard Cape's attempt to insinuate that something illegal was going on in secret between Bryan Javor, the Walsh campaign, and myself is both delusional and defamatory. He has simply reinforced my low opinion of his professional conduct, and has wasted your valuable time.

Best regards,

• Bruce Donnelly

Lake Barrington, IL 60010